

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

BOARDS OF TRUSTEES OF THE  
INLAND EMPIRE ELECTRICAL  
WORKERS WELFARE TRUST and  
112/73 RETIREMENT TRUST FUND  
NECA-IBEW,

Plaintiffs,

v.

BABCOCK ELECTRICAL SERVICES,  
INC., a Washington  
corporation,

Defendant.

NO. CV-05-0126-EFS

**DEFAULT JUDGMENT**

Before the Court, without oral argument, is Plaintiffs' Motion for Entry of Default Judgment, which was filed on January 27, 2006. (Ct. Rec. 11.) After considering Plaintiffs' motion and the records and files herein, the Court hereby finds:

1. An Order granting default was entered by the Clerk of the Court against Defendant Babcock Electrical Services, Inc. and in favor of Plaintiffs on December 15, 2005. (Ct. Rec. 10.)

2. Pursuant to the terms of the parties' Trust Agreement (see Ct. Rec. 19 Ex. C), Plaintiffs are entitled to an award against Defendant Babcock Electrical Services, Inc. for \$7,624.33 in unpaid contributions, plus \$1,159.30 in liquidated damages, plus \$1,099.19 in prejudgment

1 interest, plus \$2,562.93 in audit expenses, plus \$2,449.66 in attorney  
2 fees and associated litigation costs, plus post-judgment interest at the  
3 rate of 8.0% per annum, as provided for in the parties' Trust Agreement  
4 (see Ct. Rec. 19 Ex. C at 4), from the date hereof until satisfied.<sup>1</sup>

5 Based upon the foregoing, **it is hereby, ORDERED, ADJUDGED, AND**  
6 **DECREED:**

7 1. Plaintiffs' Motion for Entry of Default Judgment (**Ct. Rec. 11-1**)  
8 is **GRANTED**.

9 2. Plaintiffs' Motion for Entry of Default Judgment Against  
10 Defendant (**Ct. Rec. 9-4**) is **DENIED AS MOOT**.

11 3. Plaintiffs, **BOARDS OF TRUSTEES OF THE INLAND EMPIRE ELECTRICAL**  
12 **WORKERS WELFARE TRUST and 112/73 RETIREMENT TRUST FUND NECA-IBEW**, are  
13 awarded judgment against Defendant **BABCOCK ELECTRICAL SERVICES, INC.** for  
14 **\$7,624.33** in unpaid contributions, **plus \$1,159.30** in liquidated damages,  
15 **plus \$1,099.19** in prejudgment interest, **plus \$2,562.93** in audit expenses,  
16 **plus \$2,449.66** in attorney fees and associated litigation costs, **plus**  
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18 <sup>1</sup> Plaintiffs filed a Motion for Entry of Default Judgment Against  
19 Defendant ("December Motion for Default Judgment") (Ct. Rec. 9-4) with  
20 its Motion for Default (Ct. Rec. 9-1) on December 6, 2005. The December  
21 Motion for Default Judgment seeks the same relief and is nearly identical  
22 to the Motion for Entry of Default Judgment filed by Plaintiffs on  
23 January 27, 2006. (Cf. Ct. Rec. 9-4 & 11.) Accordingly, the Court  
24 assumes the later filed motion was intended to supercede the earlier  
25 motion. For this reason, the Court denies as moot the December Motion  
26 for Default Judgment (Ct. Rec. 9-4).

1 **post-judgment interest at the rate of 8.0% per annum**, as provided for in  
2 the parties' Trust Agreement (see Ct. Rec. 19 Ex. C at 4), from the date  
3 hereof until satisfied.

4 **IT IS SO ORDERED.** The District Court Executive is directed to:

5 (A) Enter this Judgment,

6 (B) Provide copies of this Judgment to counsel and Defendant, and

7 (C) **Close this file.**

8 **DATED** this 27<sup>th</sup> day of March, 2006.

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10 S/ Edward F. Shea  
11 EDWARD F. SHEA  
United States District Judge

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